

REMARKS

Claims 1, 2, 3, 7, 8, 13, 14, 15, 16, 18, 19, and 20 are currently amended. The abstract is amended to comport with the claims. Applicant respectfully submits that the amendments contained herein are fully supported by the specification and drawings as originally filed and do not contain new matter.

Double Patenting Rejection

Claims 1-20 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over certain claims of U.S. Patent No. 6,944,839 (Chevallier et al.).

Applicant notes that U.S. Patent No. 6,944,839 issued from the parent application of this present divisional application, i.e., U.S. Patent Application Serial No. 10/199,727 (the '727 application) now U.S. Patent No. 6,769,103. The '727 application was subjected to a restriction requirement by Examiner Brandon Bowers in the Office Action for the '727 application mailed August 26, 2003. Applicant respectfully submits that the claims entered in the present divisional application comport with the classification of the non-elected claim 5 of the '727 application as presented in the restriction requirement. Applicant further submits that the claims of U.S. Patent No. 6,944,839, which issued from U.S. Patent Application Serial No. 10/782,247, comport with the classification of non-elected claims 6 and 7 of the '727 application as presented in the restriction requirement. Applicant notes that claim 5 of the '727 application and claims 6 and 7 of the '727 application were classified as distinct inventions in the restriction requirement.

In view of the foregoing, Applicant contends that U.S. Patent No. 6,944,839 cannot be used as a reference against the present divisional application. 35 U.S.C. § 121 ("A patent issuing on an application with respect to which a requirement for restriction under this section has been made, or on an application filed as a result of such a requirement, shall not be used as a reference either in the Patent and Trademark Office or in the courts against a divisional application or against the original application or any patent issued on either of them, if the divisional application is filed before the issuance of the patent on the other application."). Applicant thus respectfully requests reconsideration and withdrawal of the rejection under the judicially created doctrine of obviousness-type double patenting, and the allowance of claims 1-20.

In addition, claims 2, 14, and 18, as currently amended, each recite "containing each line width marker in a line width layer," and claim 8, as currently amended, recites: "defining a line

width layer.” However, none of the claims of U.S. Patent No. 6,944,839 either includes or suggests defining a line width layer or containing each line width marker in a line width layer. Therefore, claims 2, 8, 14, and 18 of the present application are each patentably distinct from claims 1-20 of U.S. Patent No. 6,944,839 because claims 2, 8, 14, and 18 of the present application each require limitations not included in claims 1-20 of U.S. Patent No. 6,944,839.

Claims 9-13, 15-17, and 19-20 respectively depend from claims 8, 14, and 18 and are thus patentably distinct from claims 1-20 of U.S. Patent No. 6,944,839 for at least the same reasons as claims 8, 14, and 18. Therefore, the rejection of claims 2 and 8-20 of the present application under the judicially created doctrine of obviousness-type double patenting should be removed, and claims 2 and 8-20 should be allowed.

Claim Objections

Claims 1, 8, 14, and 18 were objected to. Claims 1, 8, 14, and 18 have been amended to overcome the objections thereto.

Claim Rejections Under 35 U.S.C. § 112

Claims 1-20 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 7, 8, 13, 14, 16, 18, and 20 have been amended to delete the term “default” from the recitation “default minimum line width” to overcome the rejection under 35 U.S.C. §112, second paragraph, with respect to the use of the term “default.”

Claims 1, 8, 14, and 18 have been amended to delete the recitation “converting the line width parameters and line width markers to lines in a layout” therefrom to overcome the rejection under 35 U.S.C. §112, second paragraph, with respect to the use of the recitation “converting the line width parameters and line width markers to lines in a layout.” Applicant respectfully submits that the recitation “converting the line width parameters and line width markers to lines in a layout” is not essential to the method of checking for errors in line width in an integrated circuit to which claims 1, 8, 14, and 18 are directed. That is, the step of comparing the line width parameter for each line width marker with an actual layout line width recited in each of claims 1, 8, 14, and 18 can be carried out without converting the line width parameters and line width markers to lines in a layout.

Regarding the recitation “line width layer” appearing in each of claims 2, 14, and 18, Applicant respectfully submits that “line width layer” is discussed in paragraphs [0025], [0028], and [0029] of the specification as originally filed and is shown in Figure 5. Therefore, Applicant contends that the recitation “line width layer” appearing in each of claims 2, 14, and 18 is clear to one of ordinary skill in the art in light of paragraph [0025], paragraph [0028], or paragraph [0029] in conjunction with Figure 5.

In view of the above, claims 1, 7, 8, 13, 14, 16, 18, and 20 are allowable under 35 U.S.C. §112, second paragraph. Moreover, claims 2-6, 9-12, 15, 17, and 19 should be allowed under 35 U.S.C. §112, second paragraph, in that claims 1, 8, 14, and 18 are allowable.

CONCLUSION

In view of the above remarks, Applicant believes that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. Please charge any further fees deemed necessary or credit any overpayment to Deposit Account No. 501373.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2208.

Respectfully submitted,

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